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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gerald Storch et al.

Examiner: James A. Kramer

Serial No.: 09/865,893

Group Art Unit: 3627

Filed: May 25, 2001

Docket No.: T634.112.101

Title: CO-BRANDED INTERNET SERVICE PROVIDER AND RETAILER INTERNET SERVICE
SITE WITH RETAILER-OFFERED INCENTIVES FOR MEMBER USE

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES (37 C.F.R. §1.191)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from the decision from the Primary Examiner, dated March 30, 2005, finally rejecting claims 1-7, 10-24 and 30-32. The fee for this Notice of Appeal, under 37.C.F.R. 41.20(b) is \$500.00

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply.

- ☒ (a) Applicant petitions for an extension-of-time under 37 C.F.R. 1.17(a) for the total number of months checked below:

- ☒ one month (\$60.00/\$120.00)
☐ two months (\$225.00/\$450.00)
☐ three months (\$510.00/\$1,020.00)
☐ four months (\$1,080.00/\$2,160.00)

☐ The extension-of-time fee has already been filed in this application.

- ☐ (b) Applicant believes that non extension-of-time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension-of-time.

04/20/2005 ZJUHA1 00000015 500471 09865893

01 FC:1401
02 FC:1251

500.00 DA
120.00 DA

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Sir/Madam:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet containing Certificate of Mailing under 37 C.F.R. 1.8 (1 pg.).
- ☒ NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES (37 C.F.R. §1.191)(2 pgs.) **in duplicate**; and
- ☒ 2 Return Postcards.
- ☒ Other: The Patent Office is hereby authorized to charge deposit account 500471 in the
amount of \$620.00 to cover the Appeal Brief fee and the one-month extension of time.

If an additional fee is required due to changes to the claims, the fee has been calculated as follows:

CLAIMS AS AMENDED						
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Present Extra	Rate	Fee
TOTAL CLAIMS	25	-	26	0	x =	\$
INDEPENDENT CLAIMS	4	-	4	0	x 200 =	\$0
[] MULTIPLE DEPENDENT CLAIMS PRESENTED						\$
Notice of Appeal Fee and 1-month extension of time.						620.00
TOTAL						\$620.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. At any time during the pendency of this application, please charge any additional fees or credit overpayment to Deposit Account No. 500471.

Customer No. 025281

By: Matthew B. McNutt
Name: Matthew B. McNutt
Reg. No.: 39,766

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18th day of April, 2005.

By: Denyse Dauphinais
Name: Denyse Dauphinais

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Respectfully submitted,

Gerald Storch et al.,

By their attorneys,

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Matthew B. McNutt

Reg. No. 39,766

☒ **CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18th day of April, 2005.

By Denyse Dauphinais

Name: Denyse Dauphinais